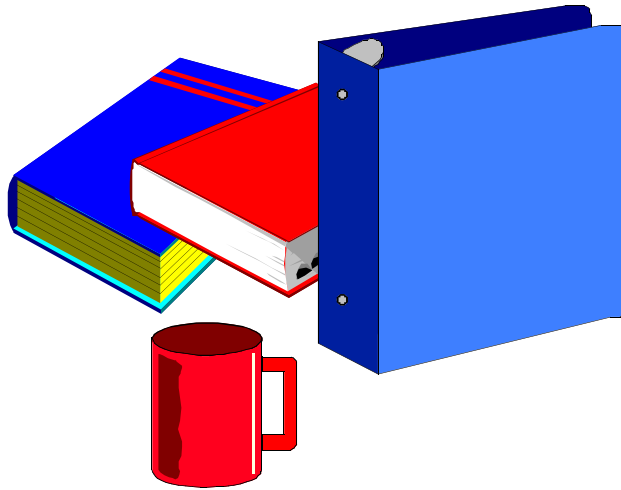


**Direct Support Professional Training
Year 1**

Teacher's Resource Guide



Session #10 Individual Rights, Laws and Regulations

**California Department of Education
and the
Regional Occupational Centers and Programs
in partnership with the
Department of Developmental Services**

1999

List of Class Sessions

Session	Topic	Time
1	Introduction, Overview of Developmental Disabilities, Values, Diversity	2 hours
2	Communication	3 hours
3	Wellness: Nutrition, Exercise and Safety	3 hours
4	Wellness: Medications	3 hours
5	Wellness: Responding to Individual Needs	3 hours
6	Positive Behavior Support	3 hours
7	Teaching Strategies: Relationships, Task Analysis and Prompts	3 hours
8	Teaching Strategies: Positive Feedback and Natural Times to Teach	3 hours
9	Daily Living	3 hours
10	Individual Rights, Laws and Regulations	3 hours
11	Leisure and Recreation	3 hours
12	Competency Test	3 hours
Total Class Sessions		12
Total Class Time		35 hours

Session: 10
Topic: Individual Rights, Laws and Regulations

Core

Objectives: Upon completion of this module, the DSP should be able to:

- IRLR-1 Demonstrate a basic understanding of the statutory and regulatory structure of services for people with developmental disabilities.
- IRLR-2 Understand and support individual rights and responsibilities.
- IRLR-3 Demonstrate correct procedures for mandated reporting requirements.
- IRLR-4 Demonstrate knowledge of community resources to assist and educate individuals in securing needed services and supports.

Time:	<i>Review of Homework Assignment</i>	10 minutes
	<i>Key Words</i>	5 minutes
	<i>Review Questions</i>	5 minutes
	<i>Key Agencies and Regulations</i>	20 minutes
	<i>Individual Rights</i>	20 minutes
	<i>Denial of Rights</i>	5 minutes
	<i>Role of Parents</i>	10 minutes
	BREAK	15 minutes
	<i>Privacy and Confidentiality</i>	15 minutes
	<i>Advocacy</i>	25 minutes
	<i>Abuse and Neglect</i>	25 minutes
	<i>Community Resources</i>	15 minutes
	<i>Presentation of Next Homework Assignment</i>	10 minutes
	Total Time	180 minutes

- Materials:**
- Overhead Projector or LCD Projector with compatible laptop computer and PowerPoint application;
 - Hard copy of overheads or disk with PowerPoint presentation;
 - *Resource Guide* for all class participants; and
 - Large index cards with headings and small index cards with guarantees (on following pages) for Activity #1 (laminated if possible); and, a roll of removable masking tape for participants to stick guarantees under headings.

Preparation

Since this is a particularly technical presentation, it's important to read all of the participants' resource guide and to make notes for your presentation on the presentation outline. (Don't forget to photocopy and cut out the *headings* in the *Teacher's Resource Guide* on pages 9-10 as well as what the legislation *addresses* on pages 6-8. You will also need to paste or tape these to index cards.) Before class begins, tape up the headings on flip chart paper for Activity #1.

Review of Homework Assignment

Do

Show overhead #1

Say

Welcome to Session #10, Individual Rights, Laws and Regulations

How did your homework assignment go?

What kinds of buildings did you look at?

What did you find out about accessibility?

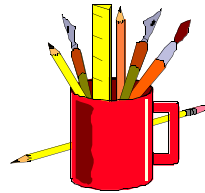
Where did these buildings do well?

What were the major problem areas?

How accessible was the building for the people with whom you work?

Your Presentation Notes

**Session 10:
Individual Rights, Laws
and Regulations**



Session #10, Overhead 1

Physical Accessibility Checklist

(Excerpted from Jewish Family and Children's Services)

When choosing a meeting site or checking a public building for physical accessibility, consider the following:

	YES	NO	N/A
1. If parking is provided, there should be reserved parking places that are clearly marked with the access symbol.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. There should be an unobstructed path of travel from the parking space to the curb cut to the building entrance or the event area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. The entrance to the building should be at least 32" wide in order to accommodate a wheelchair. The doorway threshold should be no higher than 1/2". The entrance door(s) should open easily (automatic doors or levered handles; minimal pressure).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Directional signs should be in large print or braille.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Building corridors should be at least 36" wide and free of obstructions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. The meeting room or event area should be on the building entry floor or accessible by elevator. If the event is an open-air event, it should be held on a flat outside surface.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Any ramped or steep areas should be sloped 1:10-1:12, must be durable (for portable ramps) and should have handrails on either side.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. There should be brailled numbers on the elevator control panels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. The meeting room entry should be a minimum of 32" wide, with a threshold no higher than 1/2" and with easily opened door(s).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. For open-air events, there should be flat-surface area(s) for viewing/participation which has an accessible path of travel.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. The drinking fountains should be no higher than 48" from the floor, or if higher, then drinking cups should be provided.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Telephones should be no higher than 48" from the floor and be equipped with sound amplifiers. TDDs should be available.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. In order to be accessible, a restroom facility should have the following factors:			
a. signage to indicate accessibility	<input type="checkbox"/>	<input type="checkbox"/>	
b. entries free from obstructions	<input type="checkbox"/>	<input type="checkbox"/>	
c. doorways with 32" minimum clearance width	<input type="checkbox"/>	<input type="checkbox"/>	
d. doorway threshold no higher than 1/2"	<input type="checkbox"/>	<input type="checkbox"/>	
e. easily opened door(s)	<input type="checkbox"/>	<input type="checkbox"/>	
f. restroom stall door which swings outward; at least 32" clearance width.	<input type="checkbox"/>	<input type="checkbox"/>	
g. stall at least 36" wide, 60" deep	<input type="checkbox"/>	<input type="checkbox"/>	
h. grab bars in stall	<input type="checkbox"/>	<input type="checkbox"/>	
i. raised commode 17-19" from floor	<input type="checkbox"/>	<input type="checkbox"/>	
j. faucets with lever-type handles	<input type="checkbox"/>	<input type="checkbox"/>	
k. basin with 30" clearance underneath and wrapped pipes	<input type="checkbox"/>	<input type="checkbox"/>	
l. towel racks and mirrors no higher than 40" from floor	<input type="checkbox"/>	<input type="checkbox"/>	

REHABILITATION ACT OF 1973

addresses

EDUCATION

**COLLEGE
PROGRAMS**

**VOCATIONAL
EDUCATION**

EMPLOYMENT

**HEALTH,
SOCIAL SERVICES,
WELFARE**

FEDERAL FUNDS

AMERICANS WITH

DISABILITIES ACT addresses

EMPLOYMENT

**PUBLIC
FACILITIES**

TRANSPORTATION

COMMUNICATION

IDEA - PART C addresses

**EARLY EDUCATION
FOR INFANTS,
TODDLERS**

INDIVIDUALS WITH DISABILITIES
EDUCATION ACT (IDEA) addresses

**FREE PUBLIC
EDUCATION**

**LEAST RESTRICTIVE
ENVIRONMENT**

**INDIVIDUALIZED
EDUCATION
PROGRAM (IEP)**

**RELATED SERVICES
TO BENEFIT FROM
SPECIAL EDUCATION**

**FAIR
ASSESSMENT**

DUE PROCESS

LANTERMAN ACT addresses

**RIGHTS AND
RESPONSIBILITIES
OF INDIVIDUALS**

**STATE
RESPONSIBILITY**

ENTITLEMENTS

**RIGHT TO
SERVICES AND
SUPPORTS**

**CREATES
REGIONAL CENTERS
AND OTHER
AGENCIES**

TITLE 22 addresses

**DEPT. OF SOCIAL
SERVICES REGS.
POLICY AND
PROCEDURES**

**COMMUNITY
CARE FACILITY
LICENSE AND
EVALUATION**

**LICENSES
RESIDENTIAL
FACILITIES**

TITLE 17 addresses

**DEPT. OF
DEVELOPMENTAL
SERVICES REGS.**

**RESIDENTIAL
SERVICES
AND QUALITY
ASSURANCE**

VENDORS

**RESIDENTIAL
FACILITIES**

**INDIVIDUALS
IN RESIDENTIAL
FACILITIES ALSO
SERVED BY
REGIONAL CENTERS**

HEADINGS

REHABILITATION ACT **OF 1973**

AMERICANS WITH **DISABILITIES ACT (ADA)**

INDIVIDUAL WITH **DISABILITIES** **EDUCATION ACT (IDEA)**

IDEA - PART C

LANTERMAN ACT

TITLE 22

TITLE 17

Key Words

Do

Show overhead #2

Say

As always, you will find a list of key words that you will hear a lot during today's session.

They are:

- Laws and Regulations
- Title 17, Title 22
- Lanterman Act
- Regional Center
- Community Care Licensing
- Special Incident Report
- Mandated Reporting
- Confidentiality

Review Questions

Do

Show overheads #3 and #4

Say

The important points from today's presentation and activities are summarized in the review questions. As always, these questions are in your resource packet right after the key words. The review questions for today are:

1. Name at least three agencies/organizations that are a part of the developmental disabilities services system in California.

Your Presentation Notes

Key Words

- **Laws and Regulations**
- **Title 17, Title 22**
- **Lanterman Act**
- **Regional Center**
- **Community Care Licensing**
- **Special Incident Report**
- **Mandated Reporting**
- **Confidentiality**



Session #10, Overhead 2

In-Class Review

- **What is the developmental disabilities services system?**
- **What are the major acts or regulations that regulate/monitor services?**
- **Are parents "natural guardians" for adult sons/daughters?**
- **What are basic constitutional rights?**
- **Do individuals have the right to choose where to live and with whom?**

Session #10, Overhead 3

2. Name at least three Acts or Regulations that regulate/monitor services to individuals with developmental disabilities.
3. Do parents continue to be “natural guardians” and make decisions for adult sons/daughters with developmental disabilities if they are still living at home with their parents?
4. Name at least three rights guaranteed by the U.S. Constitution.
5. Does the Lanterman Act recognize the rights of individuals with developmental disabilities to choose where to live and with whom?
6. If a resident gets into a fight with a roommate, is it OK to deny them the use of the telephone for 2 weeks as punishment?
7. Name at least three things that are considered abuse under the Child Abuse and Dependent Adult Abuse laws.
8. Failure to report physical abuse is a misdemeanor and is punishable by?
9. Licensee shall furnish licensing agency with what kinds of reports?
10. A written Special Incident Report shall be submitted to the regional center within what time frame?

Your Presentation Notes

In-Class Review, continued

- Should you report a fight with a roommate?
- What are three things that are considered to be abuse?
- What if you fail to report abuse?
- When do you furnish the licensing agency with reports?
- How soon do you have to complete a Special Incident Report?
- What can you do to help people understand their choices?

Session #10, Overhead 4

11. What is one way to be sure that an individual who is non-verbal, understands information to make the best choices in his or her life?

Your Presentation Notes

Introduction

Say

This will be one of the most technical sessions of the series. It's on laws and regulations and it's a difficult topic to make fun. However, I think we have enough activities to make it interesting.

Key Agencies and Regulations

Ask

What agencies do you work with directly?

Are there others?

Can you name the state agencies that are involved in services for people with developmental disabilities?

Say

There is a whole network of agencies that make up the developmental disabilities services system in California.

Let's look at the major agencies in the system.

Do

Show overhead #5

All of these agencies are somehow involved in the services that you help provide to Californians with developmental disabilities every day

Of course, we have to start at the top and there we find two major sources of funding for services: The state of California (through the Governor and the Legislature) and the federal government. Some of the federal funding is in the form of health care funding and some of it goes to help fund advocacy services. That is, for agencies like the State Council, or Area Boards and Protection and Advocacy, Inc. who advocate for the rights of people with developmental disabilities and their families.

The major state agency is the **Health and Human Services Agency (HHS)** which acts as an umbrella agency over the Departments of Social Services, Health Services, Developmental Services, Mental Health and Rehabilitation and others.

The **Department of Social Services (DSS)** includes the Community Care Licensing Division which licenses homes for children and adults with developmental disabilities. They also monitor the work of local child and adult abuse protective services agencies.

Your Presentation Notes

Service System in California



Session #10, Overhead 5

The **Department of Health Services (DHS)** administers the Medi-Cal program that pays for health care for most of the people you support. It also licenses and monitors homes for people with developmental disabilities and significant health needs.

The **Department of Developmental Services (DDS)** contracts with 21 Regional Centers and provides them with funding to locate services and supports for people with developmental disabilities. It is also responsible for managing the state developmental centers.

The **Regional Centers** are twenty-one (21) private, non-profit agencies which cover different geographic regions and provide service coordination and funds for services such as licensed homes, independent living, and day programs which cannot be provided by generic agencies.

Vendors are those agencies or individuals, like the ones you work for, which provide support for people and their families through residential, day, transportation and other services.

The **Developmental Centers** are state operated residential centers (like Porterville and Sonoma Developmental Centers) which

Your Presentation Notes

provide services to children and adults with developmental disabilities.

The **Department of Mental Health (DMH)** oversees county mental health services that are used by some of the people you support.

The **Department of Rehabilitation (DR)** provides funding for Work Activity Programs (WAP) which include work support services in sheltered and community employment settings and job coaches.

Finally, the **Department of Education (DOE)** manages special education programs in the public school system for students with special needs. In each **Local School District** there are special education services and something called a **Special Education Local Planning Agency (SELPA)**, which helps determine the kinds of special programs provided to students with disabilities. DOE also oversees the Regional Occupational Centers and Programs (ROC/Ps) who administer the testing and training for this Direct Support Professional (DSP) Training Program.

Do

Show overhead #6

Say

In addition to these key agencies, there are some key statutes and regulations which affect what you do every day.

Your Presentation Notes

Key Laws and Regulations

- Rehabilitation Act of 1973
- Americans with Disabilities Act (ADA)
- Individuals with Disabilities Education Act (IDEA)
- Idea - Part C
- Lanterman Act
- Title 22 - Department of Social Services
- Title 17 - Department of Developmental Services

Session #10, Overhead 6

Ask

Can someone name a statute (law) or regulation that you must follow when you work?

Discussion should include comments about confidentiality, special incidents, etc.

Do

Before we start, I would like to see how well you can do in describing each of these major laws and regulations.

Here are a number of index cards with the names of some of the guarantees or rights that fall under one of the regulations that you see on the wall.

Pass these cards around and work as a team to place these statements under the headings where you think they belong. Just take a piece of masking tape and tape them up on the wall under the correct heading.

Give people about 5 minutes and

Say

Okay, let's talk a bit about each of these major laws and regulations and see how you did. First, there are several important federal laws-

Your Presentation Notes

Key Laws and Regulations

- Rehabilitation Act of 1973
- Americans with Disabilities Act (ADA)
- Individuals with Disabilities Education Act (IDEA)
- Idea - Part C
- Lanterman Act
- Title 22 - Department of Social Services
- Title 17 - Department of Developmental Services

Session #10, Overhead 6

The **Rehabilitation Act of 1973** is known as the first Federal civil rights law protecting the rights of individuals with disabilities. It prohibits discrimination based on disability in the following areas: (1) Education; (2) Vocational Education; (3) College Programs; (4) Employment; (5) Health, social service programs, welfare; and (6) Programs funded with federal dollars.

The Americans with Disabilities Act (ADA) was passed by Congress in July of 1990. It is considered a landmark civil rights bill that extends protection against discrimination to people with disabilities. It requires modifications, accessibility and reasonable accommodation whenever necessary. It covers all state and local governments, and it addresses four main areas of potential discrimination:

(1) employment; (2) public facilities; (3) transportation; and (4) communication.

Individuals with Disabilities Education Act (IDEA) guarantees six important rights to students with disabilities: (1) free and appropriate public education for all children with disabilities; (2) education in the least restrictive environment; (3) an individualized education program (or IEP); (4) provision of necessary related services in order to benefit from special education (like speech therapy); (5) a fair assessment procedure; and (6) due

Your Presentation Notes

Key Laws and Regulations

- **Rehabilitation Act of 1973**
- **Americans with Disabilities Act (ADA)**
- **Individuals with Disabilities Education Act (IDEA)**
- **Idea - Part C**
- **Lanterman Act**
- **Title 22 - Department of Social Services**
- **Title 17 - Department of Developmental Services**

Session #10, Overhead 6

process and complaint procedures for families of students who are dissatisfied with a school-related service.

IDEA - Part C established early education opportunities for infants and toddlers less than 3 years of age and who have low incidence disabilities or are developmentally delayed or at risk of such delay. It is known that these early opportunities can help increase the learning that occurs for children during these important formative years.

There are some equally important state laws that you should know about.

First, **The Lanterman Developmental Disabilities Services Act (Lanterman Act)** provides a statement of the service rights and responsibilities of individuals with developmental disabilities; provides an entitlement or right to certain services and supports; and, creates the regional center system of providing services throughout the state.

Title 22, Department of Social Services

These regulations are for licensing, monitoring and evaluating **community care facilities**. Individuals or agencies who are granted a license to operate a residential facility must comply with all of the Title 22 regulations.

Your Presentation Notes

Key Laws and Regulations

- **Rehabilitation Act of 1973**
- **Americans with Disabilities Act (ADA)**
- **Individuals with Disabilities Education Act (IDEA)**
- **Idea - Part C**
- **Lanterman Act**
- **Title 22 - Department of Social Services**
- **Title 17 - Department of Developmental Services**

Session #10, Overhead 6

Title 17 - Department of Developmental Services Regulations These regulations state the conditions under which licensed *community care facilities* (CCFs) can be vendorized to provide residential services to individuals with developmental disabilities served by regional centers.

Say

Okay, now that you've heard a little about each of these major laws and regulations, spend a few minutes as a team and see if any of your statements need to be switched around under different headings.

Discuss

How well they did before and after the presentation and how they can learn something about the major laws and regulations that affect them in a very short time.

Also, mention that these are summarized in their resource guide.

Say

Before we take a break, let's spend a few minutes talking about some of the basic rights of people with developmental disabilities that come from these laws and regulations.

Your Presentation Notes

Key Laws and Regulations

- Rehabilitation Act of 1973
- Americans with Disabilities Act (ADA)
- Individuals with Disabilities Education Act (IDEA)
- Idea - Part C
- Lanterman Act
- Title 22 - Department of Social Services
- Title 17 - Department of Developmental Services

Session #10, Overhead 6

Do

Get a marker pen (or transparency marker) and blank flip chart paper or transparency.

On the left side of the paper or transparency, write *Your Rights*.

Ask

What are your basic rights?

This should result in items like Freedom of Religion, Freedom of Assembly, etc.

Do

On the right side of the paper or transparency, write Rights of Individuals.

Ask

Which of these rights also belongs over here under the rights of the individuals that you work with?

Point to right side of paper and when one is mentioned, draw an arrow towards right side of paper or transparency

Say

All of these rights apply to everyone.

Do

Show overhead #7

Say

Individuals with developmental disabilities

Your Presentation Notes

Constitutional Rights

- **Freedom of Speech**
- **Right to Due Process**
- **Freedom of Religion**
- **Freedom of Association**
- **Freedom of Assembly**
- **Equal Protection of the Law**
- **Right to Privacy**

Session #10, Overhead 7

have the same rights as everyone else under the Constitution of the United States and the California Constitution. Those rights include:

Freedom of Speech
Right to Due Process
Freedom of Religion
Freedom of Association
Freedom of Assembly
Equal Protection of the Law
Right to Privacy

Do

Show overhead #8 and #9

Say

In addition to the Constitution, the Lanterman Act spells out the rights of Californians with developmental disabilities as:

A right to treatment and habilitation services and supports.

A right to dignity, privacy and humane care.

A right to participate in an appropriate program of publicly supported education.

A right to prompt medical care and treatment.

A right to religious freedom and practice.

A right to social interaction and participation in community activities.

Your Presentation Notes

Lanterman Act Includes Right to

- **Treatment & habilitation**
- **Dignity, privacy and humane care**
- **Public education**
- **Prompt medical care**
- **Religious freedom and practice**
- **Social interaction and community activities**

Session #10, Overhead 8

Lanterman Act Includes Right to

- **Physical exercise**
- **Be free from harm**
- **Be free from hazardous procedures**
- **Make choices in daily and major life decisions**
- **Have relationships, marry, be part of a family, parent**

Session #10, Overhead 9

A right to physical exercise and recreational opportunities.

A right to be free from harm.

A right to be free from hazardous procedures.

A right to make choices including but not limited to; where and with whom to live; relationships with people in their community; the way they spend their time, including education, employment and leisure; the pursuit of their personal future; and program planning and implementation.

A right to have relationships, marry, be part of a family, and to parent if they so choose.

Do

Show overhead #10 and #11

Say

The Lanterman Act also states that individuals with developmental disabilities who live in residential facilities have these additional rights:

To wear their own clothes.

To keep and use their own personal possessions, including toiletry and personal hygiene articles.

To keep and be allowed to spend a reasonable sum of their own money.

Your Presentation Notes

Residential Rights to

- **Wear own clothes**
- **Keep and use personal possessions**
- **Keep and spend own money**
- **Access to storage space**
- **See visitors every day**
- **Reasonable access to telephone**

Session #10, Overhead 10

Residential Rights to

- **Ready access to letter writing and receiving mail**
- **Refuse shock treatment**
- **Refuse certain behavior modification treatment**
- **Refuse psychosurgery**
- **Make every day and major life choices**
- **Information for choice**

Session #10, Overhead 11

To have access to individual storage space for private use.

To see visitors each day.

To have reasonable access to telephones, both to make and receive confidential calls.

To have ready access to letter writing materials, including stamps, and to mail and receive unopened correspondence.

To refuse electroconvulsive therapy.

To refuse behavior modification techniques which cause pain or trauma.

To refuse psychosurgery.

To make choices in areas including, but not limited to: daily living routines, choice of companions, leisure and social activities, and program planning and implementation.

To choose and to have information needed to make an informed choice.

Do

Show overhead #12

Say

In addition, the *Lanterman Act (Welfare and Institutions Code)* recognizes the rights of individuals with disabilities to have relationships, marry, be part of a family and to parent, if they so choose. Individuals living in community care facilities have:

Your Presentation Notes

W & I Code Rights to

- **Choice about sexual values, preferences**
- **Accurate information about sex education**
- **Sexual expression**
- **Privacy**
- **Significant other and to marry**

Session #10, Overhead 12

Your Presentation Notes

The right to make personal choices about sexual values, preferences, and behavior.

The right to be given accurate information about sex education in an understandable way.

The right to sexual expression.

The right to privacy.

The right to have a “significant other” or to marry, if the person so chooses.

The right to choose parenthood; this also requires the right to be given information about birth control options, and to choose or refuse contraception and/or sterilization.

The right to receive services needed: counseling, legal aid, social and recreation services with the opposite sex.

Do

Show overhead #13

Say

These are the basic rights of individuals with developmental disabilities who live where you work.

Most individual rights may not be denied for any reason. However, a few rights may be denied for a limited period of time and under a very narrow set of circumstances called the ***Denial of Rights Procedure*** which are found in Title 17.

Denial of Rights

- Most rights may not be denied for any reason
- A few rights may be denied for limited time, under the ***Denial of Rights Procedure*** in Title 17
- Only when certain conditions are met and approved by the regional center

Session #10, Overhead 13

A right cannot be denied by you because you think you might have good reason. A right may only be denied when certain, very specific conditions are documented and approved by the regional center prior to implementation of the denial.

The Rights of Legally Authorized Representatives

Many of you will be working with the families of individuals you support or their legally authorized representatives

There are some terms you need to know in order to understand the rights and responsibilities of these representatives.

Do

Show overhead #14

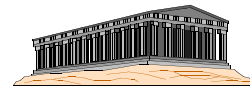
Say

The first term you need to know about is competence. It is legally defined as the ability of an individual to make decisions. Until a person reaches the age of majority (age 18 in California), he/she is ***presumed to be incompetent*** - that is, not able to manage alone or to come to reasoned decisions about certain important matters. However, upon reaching the age of majority, even if the person has a significant intellectual impairment, he/she is ***presumed to be competent***.

Your Presentation Notes

Representative Rights

- Competence
- Parents
- Guardianship
- Conservatorship



Session #10, Overhead 14

It's also important to know that parents are considered ***natural guardians*** of their biological or adopted children and have certain rights and responsibilities in making decisions on behalf of their children until they reach the age of 18.

Some minors need a court-appointed guardian, if parents have died, abandoned a child, or had their parental rights removed by a court of law. Since the law ***presumes incompetence*** for people under 18, it's fairly straightforward to file for and receive guardianship.

A conservatorship is a legal arrangement in which a competent adult oversees the personal care or financial matters of another adult who is considered incapable of managing his/her affairs.

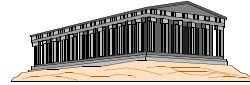
Some parents presume that as ***natural guardians*** of their children, their legal responsibilities continue for a child with a developmental disability even after he/she turns 18. This is not the case if the parent has not filed nor been appointed a conservator through the courts.

There are two kinds of conservatorships. One is called a ***general conservatorship*** that covers all of the basic decisions that someone usually makes for him/herself. These are very rare.

Your Presentation Notes

Representative Rights

- Competence
- Parents
- Guardianship
- Conservatorship



Session #10, Overhead 14

The more common type is called a ***limited conservatorship*** and was created specifically for people with developmental disabilities who need assistance in decision-making in certain areas of their lives. The purpose of the ***limited conservatorship*** is to protect adults with developmental disabilities from harm or exploitation while allowing for self-reliance whenever possible.

If granted by the court, the ***limited conservator*** can have decision-making authority in up to seven areas:

1. To fix the person's place of residence.
2. Access to confidential records and papers.
3. To consent or withhold consent to marriage.
4. The right to contract.
5. The power to give or withhold medical consent.
6. Decisions regarding social and sexual contacts and relations.
7. Decisions concerning education or training.

However, the ***limited conservator*** may not consent to:

1. Experimental drug treatment.
2. Electroshock therapy.
3. Placement in a locked facility.
4. Sterilization.

Your Presentation Notes

Representative Rights

- Competence
- Parents
- Guardianship
- Conservatorship



Session #10, Overhead 14

The **limited conservator** should have:

1. A personal knowledge of the person who is conserved.
2. Knowledge of what constitutes the "best interest" of the person who is conserved.
3. Have a commitment to provide what is in the best interest of the person who is conserved.
4. Be good at managing the finances of the person who is conserved.
5. Know the programs and services that are available for the person who is conserved.
6. Know how to advocate for and protect the rights of the person who is conserved.
7. Be close in proximity to the person who is conserved.
8. Be available in terms of time and energy to work for the best interests of the person who is conserved.

BREAK for 15 minutes

Privacy and Confidentiality

Do

Show overhead #15

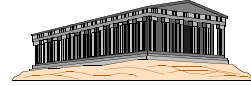
Say

Another important right of the people you work with is privacy. I'm sure that you already know that individual **privacy** must be respected in all areas of an individual's

Your Presentation Notes

Representative Rights

- Competence
- Parents
- Guardianship
- Conservatorship



Session #10, Overhead 14

Privacy

- Personal hygiene
- Personal space
- Personal conversations
- Personal possessions
- Time to be alone
- Personal information
- Sexual expression
- Friends and family

Session #10, Overhead 15

life, for example:

- Personal hygiene
- Personal information
- Personal possessions
- Sexual expression
- Time to be alone
- With friends and family
- Personal space in individual's bedroom
- Mail and telephone conversations

Do

Show overhead #16

Say

Confidentiality means that:

- You do not discuss information about individuals with your friends.
- You do not take individuals files out of the facility.
- You do not give information to persons who might ask for it without the signed consent of the individual or legal representative.

Your Presentation Notes

Confidential Means You Do Not

- **Discuss with your friends**
- **Take files off site**
- **Give information without signed consent**
- **Discuss about individual with a housemate**

Session #10, Overhead 16

- You do not discuss confidential information about an individual with another individual in the facility.

You must respect an individual's right to confidentiality when they tell you **not** to tell even when you feel it is important to tell someone, **unless** the individual plans to/or has **broken the law**, or it is a **health and safety** issue, then you **must** report it.

Advocacy

Do

Show overhead #17

Say

The word advocacy is used a lot by many different people. In this workshop,

Advocacy Is

Helping people help themselves
Building self confidence
Supporting independence
Telling people their rights
Telling people their options
Providing assistance and training
Helping locate services
Asking people what they want
Treating adults like adults

Your Presentation Notes

Advocacy Is

- Helping people help themselves
- Building self confidence
- Supporting independence
- Telling about rights
- Telling about options
- Assistance and training
- Locating services
- Asking
- Treating like adults

Session #10, Overhead 17

Do

Show overhead #18

Say

Advocacy Is Not

Taking over a persons life
Making a person dependent
Doing everything for a person
Not informing a person of his/her rights
Making decisions for people
Controlling people
Treating adults like children
Limiting options
Knowing what is best because you are a professional
Not respecting choices

Do

Show overhead #19

Say

The Lanterman Act provides for advocacy services for persons with developmental disabilities through the following agencies:

Area Boards

There are thirteen Area Boards in California which can provide individual advocacy. A vendor may contact them to obtain information on behalf of an individual with disabilities. *A list of Area Boards is included in this packet.*

Protection and Advocacy, Inc.

This federally funded, state designated agency is designed to protect the rights of individuals with disabilities. Services include legal counseling and

Your Presentation Notes

Advocacy Is Not

- Taking over
- Dependency
- Withholding information
- Making decisions
- Control
- Treating like children
- Limiting options
- Knowing what is best
- Not respecting choices

Session #10, Overhead 18

Advocacy Resources

- Area Boards
- Protection and Advocacy
- People First
- Others?

Session #10, Overhead 19

representation if necessary. They may only represent the individual, not a vendor. *A list of addresses and phone numbers is included in this packet.*

In California there is a resource for self-advocacy called:

People First of California, Inc.

1225 8th Street, Suite 590

Sacramento, CA 95814

(916) 552-6625

In addition to the Sacramento office there are many chapters of **People First** throughout California. The Sacramento office may be called to inquire about other chapters and obtain subscriptions to their newsletter **“PEOPLE FIRST STAR.”**

Say

Now that we have talked about individual rights and advocacy, let's work on an activity that gives you a chance to practice identifying advocacy issues.

First, divide up into four groups.

Read the scenarios and work as a group to identify what you think are the possible advocacy issues in each.

Wait about 15 minutes.

Ask

What are the possible advocacy issues in

Your Presentation Notes

Activity: What Are Your Findings?

After reading the scenario, work as a group to list the possible rights issues. You can refer back to the sections on individual rights.

SCENARIO #1: CHARLES

Charles is a 42-year-old man who has both a developmental and a physical disability (cerebral palsy, epilepsy) and it is difficult to understand his speech. There seems to have been no family contact in many years, and it is unknown if he even has family still living. He has a history of wandering away when not watched closely and tends to “borrow” tape recorders and clothing from other individuals living in the home. Charles often has what appears to be a poor appetite, plays with food on his plate and occasionally throws food. He doesn't like getting up in the morning and has to be repeatedly coaxed out of bed.

The DSP in the home makes Charles get up early on weekends because he won't get up on weekdays. He loves to sit outside on weekends and listen to his radio. It is repeatedly taken away for bad behavior and not getting up in the mornings. When other residents have family or visitors, Charles gets very excited and wants to go with them if they leave the home. Charles often sneaks out of the home right after visitors leave, and gets very angry when he is brought back home. He is only allowed to leave the facility once per month when the group goes on an outing together.

He seldom initiates activities but will participate with other residents when made to do so. He tends to hang out in the kitchen when meals are being prepared but gets in the way and DSP often make him leave the room until the meal is ready.

Possible Advocacy Issues?

SCENARIO #2: MICHAEL

Michael is a 18 year old male who uses a wheel chair and is totally dependent on others for his daily care. He often yells very loudly and is locked in his room and left there alone as punishment.

He has use of his arms and hands, but not enough strength to transfer himself. He is able to manage his manual wheel chair. He is usually uncooperative with DSPs in daily grooming, bathing, and tooth brushing. DSPs sometimes comb his hair and forget the other grooming tasks when he is especially uncooperative.

Michael has a very involved family who visits him in his home and takes him to their home on a monthly basis. The visit is often a disaster. He says he doesn't want to go and he is unhappy and grumpy for several days afterward.

Michael gets along well with one of the other young men living in the home and often spends hours in his company. He likes to share his personal possessions and often gives them away. He likes to talk on the telephone and will spend hours talking to friends. As a result, he often loses his telephone privileges for long periods of time, until he promises not to talk so long.

Possible Advocacy Issues?

SCENARIO 15: MARY

Mary is a 34-year-old woman with a history of depression and outbursts (for example, yelling, screaming, cursing, self-abuse, and threats of physical aggression). She also bosses and threatens peers at home and in the community. Mary is often kept home and in her room as a punishment for behaviors. She is not allowed to go on outings with the group if she has been bossing and threatening peers and because it is embarrassing for DSP when she acts out in the community. So, it is easier to leave her at home.

Mary also has a history of crying and screaming for several hours at night which keeps staff and other individuals in the home awake. When the DSPs reach their "wits end" they ignore her and let her cry and scream until she wears herself out and finally goes to sleep.

Mary states she wants to help handicapped children, feel loved, and not be so lonely. She states she is not a baby and feels bad when she is treated like one. She wants to go to church and sing in the church choir, learn how to take care of herself, cook and do her own laundry.

The DSP will not let Mary do any special things that she wants to do because she has such **bad** behavior and tell her that when she has **better** behavior they will help her learn to do some of the things she wants to do.

Possible Advocacy Issues?

SCENARIO #4: CHARLENE

Charlene is a 55-year-old woman who is very verbal, healthy, active at home, at work and in the community. She loves to shop for clothing, go to movies, dancing, parties, and helping with chores at home. She also likes to collect brochures, newspapers, magazines and small pieces of paper which she puts in her dresser drawers. DSPs go into her room periodically and remove her collection, throwing it in the trash, because there isn't enough room in her drawers anymore for her clothes.

Charlene knows all the merchants in her neighborhood. She tends to purchase lots of "junk" items so the DSP keep her money and make her wait until they can go with her to the store.

Charlene has a male friend, Sam, and wants to have him visit her at her home once in awhile. The administrator of the home has told Charlene that she is not allowed to have male visitors. She has also been told that she cannot go out on a date with Sam, or any other maled friend.

Possible Advocacy Issues?

Possible Answers to Advocacy Issues

#1

He borrows tape recorders and clothing from other individuals living in the home. He violates their rights to have and use personal possessions.

He hates getting up in the morning. DSP makes him get up on weekends as punishment. Violation of his right to decide when to get up.

Radio is often taken away as punishment for bad behavior. Violation of his right to have and use personal possessions.

His rights to leave the facility and participate in activities in the community are violated when he is only allowed to leave once per month.

Making him participate in activities violates his right to choose how he spends his time.

His right to choose how he spends his time is also violated when he is asked to leave the kitchen area during meal preparation. **Additionally**, if he was able to participate in food choice and preparation he might be willing to eat better and not throw food.

#2

His right to treatment and habilitation services and supports are violated when he is locked in his room for outbursts.

He has a right to some method for communicating with the world - picture board, computer, synthesized voice machine, etc.

His right to dignity, privacy and humane care are also violated when he is locked in his room.

His right to humane care is violated when grooming is not done.

His right to choose how he spends his time is violated when he is taken home by his family if he really doesn't want to go.

Someone needs to determine if he gives away his personal possessions or if they are being taken away. He has a right to keep and use his personal possessions.

The right to use the telephone may not be taken away for long periods of time unless the **denial of rights** has been done, and then only for 30 days. During that time, a plan must be developed to help him limit the time on the telephone, such as a timer to help him realize how long he is on the telephone.

#3

She violates the rights of others to humane treatment when she screams and yells for several hours at night, bosses and threatens them.

Her rights to social interaction and participation in community activities is violated when she is kept at home and in her room as punishment for behaviors and for the convenience of the DSP because her behavior is embarrassing.

Her right to treatment and habilitation services and supports, right to dignity, right to religious freedom and practice, right to social interaction and participation in community activities are all violated when she is not allowed to do any **special** things because of her behaviors.

#4

Her right to privacy and her right to have individual storage space for private use is violated when DSP removes her collection from her dresser drawers and throws it in the trash.

Her right to keep and spend a reasonable amount of her own money when they keep it and make her wait until they can go to the store with her.

Her right to have visitors, make personal choices about choice of companions, leisure and social activities, the right to have a "significant other" are all violated when the administrator tells her she cannot have a male visitor or go on a date.

She has a right to make choices in areas including, but not limited to, daily living routines, choice of companions, leisure and social activities, as well as a right to have relationships.

Scenario #1?

and so on through all four scenarios.

Do

List on flip chart paper or blank transparency.

Say

You've done a good job as advocates.

Let's move on to our next topic and it's a serious one, abuse and neglect.

Abuse and Neglect

Do

Show overhead #20

Say

There is a special concern for the abuse of children, dependent adults, and the elderly. As they are often more vulnerable than others, such individuals face greater risk of abuse.

Reporting suspected abuse will, hopefully, not occur often in your work as a DSP. However, it's important to know your responsibilities should you need to act.

Dependent adult abuse is defined as physical abuse, neglect, financial abuse, abandonment, isolation, abduction or other treatment with resulting physical harm of pain or mental suffering, or the deprivation by a care

Your Presentation Notes

Protection from Abuse

- **Abuse**
- **Protections**
- **Reporting Requirements**
 - Child Abuse
 - Elder or Dependent Adult Abuse
- **Failure to report physical abuse is a misdemeanor punishable by a fine or time in jail or both**

Session #10, Overhead 20

provider of goods and services which are necessary to avoid physical harm or mental suffering. Child abuse is defined as physical injury, which is inflicted by other than accidental means on a *child* by another person, sexual abuse, willful cruelty or unjustifiable punishment of a *child*, unlawful corporal punishment or injury and neglect.

There are ways as a DSP that you can help prevent abuse from occurring to the people you support:

Observation - pay attention to individuals in your care. Many are non-verbal and can't tell you when something is wrong.

Communication - talk with individuals and other DSP daily.

Conversation - talk with people at day programs, work and others.

Documentation - write down what you see and hear.

Review - look at what you have written for patterns.

Report - if abuse is **known or suspected**.

Do

Show overhead #21

Say

Child abuse is defined as the abuse of a

Your Presentation Notes

Child Abuse

The abuse of a person under 18 years of age which may include:

- physical, sexual, or emotional abuse;
- neglect;
- exploitation; or
- abandonment.

Session #10, Overhead 21

person under 18 years of age which may include: physical, sexual or emotional abuse; neglect; exploitation; or abandonment.

Reporting Requirements for Child Abuse

California law requires that any child care custodian, health care practitioner, or employee of a child protective agency who knows or reasonably suspects child abuse **must** report the abuse to a child protective agency immediately or as soon as practically possible by telephone and to send a written report within **36** hours of receiving the information concerning the incident.

Do

Show overhead #22

Say

Elder or dependent adult abuse is defined as the abuse of a person over 18 years of age which may include: physical, sexual or emotional abuse; neglect; exploitation; or abandonment.

Reporting Requirements for Elder and Dependent Adult Abuse

California law requires care custodians and health practitioners to report certain kinds of abuse. Care custodians are administrators of certain public or private facilities, including but not limited to, community care facilities, 24 hour health facilities, respite care facilities, foster homes, schools, sheltered workshops, regional centers and medical offices or clinics.

Your Presentation Notes

Elder or Dependent Adult Abuse

Defined as abuse, neglect or exploitation and includes:

- physical abuse;
- psychological abuse; and
- financial exploitation.

Session #10, Overhead 22

Direct support professionals are mandatory reporters for both child, elder and dependent adult abuse. Failure to report can result in a mandated reporter being held liable for both criminal and civil consequences. Conversely, the mandated reporter has complete immunity from legal actions even if the report turns out to be false.

All allegations of *abuse shall be reported* by telephone as soon as possible to either Child Protective Services, Adult Protective Services or the Ombudsman's office depending upon the age of the victim and the location of the alleged abuse. If the victim is a child the report will be made to *Child Protective Services* with a written follow up *report* to be submitted within 36 hours. If the victim is an adult *and* the abuse occurred in a long term care facility, the *alleged abuse is reported* to the Ombudsman's office. If the alleged abuse occurred at any other location, the report is made to Adult Protective Services. The telephone report concerning an adult should be made immediately and followed up with a written report within two working days.

For either adults or children, if the individual is being injured or otherwise endangered at that moment, call the police.

Your Presentation Notes

Do

Show overhead #23

Say

Each licensed home shall furnish to Community Care Licensing unusual incident reports including, but not limited to:

1. Death of any client from any cause.
2. Any injury to any client which requires medical treatment.
3. Any unusual incident or absence which threatens the physical or emotional health or safety of any client.
4. Any suspected physical or psychological abuse of any client.
5. Epidemic outbreaks.
6. Poisonings
7. Catastrophes.
8. Fires or explosions which occur in or on the premises.

A REPORT SHALL BE MADE BY TELEPHONE TO THE LICENSING AGENCY WITHIN THE AGENCY'S NEXT WORKING DAY DURING ITS NORMAL BUSINESS HOURS. A WRITTEN REPORT SHALL BE SUBMITTED TO THE LICENSING AGENCY WITHIN SEVEN DAYS FOLLOWING THE OCCURRENCE OF EVENT.

Your Presentation Notes

Title 22 Reporting

- **Death**
- **Injury requiring treatment**
- **Unusual incident**
- **Suspected abuse**
- **Epidemic outbreaks**
- **Poisonings**
- **Catastrophes**
- **Fires or explosions**
- **Report within next working day**

Session #10, Overhead 23

You need to know the internal procedures for the home in which you work for ensuring timely accurate reporting.

Do

Show overhead #24 and #25

Say

This is a copy of the form to be completed which is titled **LIC 624 UNUSUAL INCIDENT/INJURY/DEATH REPORT**.

Do

Show overhead #26

Say

Special Incident Reports detail special incidents as defined in Title 17 and are to be provided to the regional center. Special Incidents are those incidents which:

1. Have resulted in serious bodily injury, serious physical harm, or death.
2. Have resulted in the use of emergency intervention procedures.
3. May result in criminal charges or legal action.
4. Result in the denial of a client's rights, or
5. Are any of the following:
Epidemic outbreaks
Poisonings

Your Presentation Notes

STATE OF CALIFORNIA - HEALTH AND WELFARE AGENCY DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING
SECTION 170000 (LIC 624) UNUSUAL INCIDENT/INJURY/DEATH REPORT

CHECK ONE OR MORE BOXES:
☐ Incident ☒ Injury ☐ Death

Date of Occurrence: _____

Name of Facility: _____ Facility File Number: _____ Telephone Number: _____

Address: _____

Client(s) Involved	Age	Sex	Date of Admission
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____

1. UNUSUAL EVENT OR INCIDENT - UNUSUAL INCIDENTS INCLUDE CLIENT ABUSE, UNEXPLAINED ABSENCE, OR ANYTHING THAT AFFECTS THE PHYSICAL OR EMOTIONAL HEALTH AND SAFETY OF ANY CLIENT AND OFFICIAL OUTBREAKS - POISONINGS, CATASTROPHES, FACILITY FIRES OR EXPLOSIONS.

DESCRIBE EVENT OR INCIDENT (INCLUDE DATE, TIME, LOCATION AND NATURE OF INCIDENT):

EXPLAIN WHAT IMMEDIATE ACTION WAS TAKEN - INCLUDE PERSONS CONTACTED AND IF INJURY OCCURRED COMPLETE SECTION II:

DESCRIBE WHAT FOLLOW-UP ACTION IS PLANNED - INCLUDE STEPS TO BE TAKEN TO PREVENT OCCURRENCE:

II. INJURY REQUIRING MEDICAL TREATMENT
DESCRIBE HOW AND WHERE INJURY OCCURRED:

Session #10, Overhead 24

WHAT APPEARS TO BE THE EXTENT OF THE INJURIES?

PERSONS WHO OBSERVED THE INJURY:

ATTENDING PHYSICIAN'S NAME, FURNISHED AND TREATMENT:

III. DEATH REPORT
DATE AND TIME OF DEATH: _____ PLACE OF DEATH: _____

DESCRIBE IMMEDIATE CAUSE OF DEATH (IF UNKNOWN REPORT NAME, SEND A COPY WITHIN 30 DAYS):

DESCRIBE CONDITIONS CONTRIBUTING TO DEATH:

WHAT ACTION DID YOU TAKE?

NAME OF ATTENDING PHYSICIAN:

NAME OF NECTICIAN:

SIGNATURE OF PERSON REPORTING: _____ DATE: _____

SIGNATURE OF LICENSURE ADMINISTRATOR: _____ DATE: _____

Session #10, Overhead 25

Title 17 Reporting

- **Serious bodily injury, harm, or death.**
- **Emergency services**
- **Possible criminal activity**
- **Denial of rights**
- **Epidemic outbreaks, poisonings, catastrophes, fires or explosions**
- **Report by end of day**

Session #10, Overhead 26

Teacher's Resource Guide - Session #10: Individual Rights, Laws and Regulations

STATE OF CALIFORNIA HEALTH AND WELFARE AGENCY

(REPLICATION OF ORIGINAL)

UNUSUAL INCIDENT/INJURY/ DEATH REPORT

DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING

CHECK ONE OR MORE BOXES:

☐ Incident ☐ Injury ☐ Death

Date of Occurrence:

INSTRUCTIONS: NOTIFY THE LICENSING AGENCY AND, APPLICABLE, PERSON(S) AND/OR PLACEMENT AGENCY(IES) RESPONSIBLE FOR CLIENT(S) WITHIN THE AGENCY'S NEXT WORKING DAY OF ANY UNUSUAL EVENT, INCIDENT, INJURY REQUIRING MEDICAL TREATMENT AS DETERMINED BY PHYSICIAN OR DEATH. COMPLETE SECTIONS I, II, AND/OR III AS APPROPRIATE. ATTACH SHEET IF ADDITIONAL SPACE IS NEEDED. SEND ORIGINAL TO THE LICENSING AGENCY WITHIN 7 DAYS OF THE EVENT. RETAIN A COPY IN CLIENT(S) FILE. RESIDENTIAL FACILITIES FOR THE ELDERLY SHALL COMPLY WITH SECTION 87508 REGARDING THIS REQUIREMENT.

Name of Facility

Facility File Number

Telephone Number

()

Address

Client(s) Involved

Age

Sex

Date of Admission

1. _____

2. _____

3. _____

4. _____

5. _____

I UNUSUAL EVENT OR INCIDENT - UNUSUAL INCIDENTS INCLUDE CLIENT ABUSE, UNEXPLAINED ABSENCES, OR ANYTHING THAT AFFECTS THE PHYSICAL OR EMOTIONAL HEALTH AND SAFETY OF ANY CLIENT AND EPIDEMIC OUTBREAKS, POISONINGS, CATASTROPHES, FACILITY FIRES OR EXPLOSIONS.

DESCRIBE EVENT OR INCIDENT (INCLUDE DATE, TIME, LOCATION AND NATURE OF INCIDENT)

EXPLAIN WHAT IMMEDIATE ACTION WAS TAKEN - INCLUDE PERSONS CONTACTED AND IF INJURY OCCURRED COMPLETE SECTION II

DESCRIBE WHAT FOLLOW-UP ACTION IS PLANNED - INCLUDE STEPS TO BE TAKE TO PREVENT OCCURRENCE

II. INJURY REQUIRING MEDICAL TREATMENT

DESCRIBE HOW AND WHERE INJURY OCCURRED

Teacher's Resource Guide - Session #10: Individual Rights, Laws and Regulations

WHAT APPEARS TO BE THE EXTENT OF THE INJURIES?

PERSONS WHO OBSERVED THE INJURY

ATTENDING PHYSICIAN'S NAME, FINDINGS AND TREATMENT

III. DEATH REPORT

DATE AND TIME OF DEATH

PLACE OF DEATH

DESCRIBE IMMEDIATE CAUSE OF DEATH (IF CORONER REPORT MADE, SEND A COPY WITHIN 30 DAYS)

DESCRIBE CONDITIONS CONTRIBUTING TO DEATH

WHAT ACTION DID YOU TAKE?

NAME OF ATTENDING PHYSICIAN

NAME OF MORTICIAN

SIGNATURE OF PERSON REPORTING

DATE

SIGNATURE OF LICENSEE ADMINISTRATOR

DATE

Catastrophes
Fires or explosions

Your Presentation Notes

THE REGIONAL CENTER SHALL BE NOTIFIED OF ANY SPECIAL INCIDENTS, AS SOON AS POSSIBLE, AND IN NO CASE LATER THEN THE END OF THE BUSINESS DAY. A WRITTEN REPORT SHALL BE SUBMITTED TO THE REGIONAL CENTER WITHIN 24 HOURS OF THE INCIDENT.

Some Regional Centers have a form for your use. Others, allow use of the Licensing Form.

IF IN DOUBT - FILL IT OUT

Ask

Please turn to the activity called How Do You See It? (hold up resource guide and refer to page number)

Say

As a group, spend about 5 minutes describing this room in as much detail as possible.

After 5 minutes

Ask

What do you see?

Activity:
How Do You See It?

As a group, describe this room in as much detail as you can within 5 minutes.

Discuss

Point out the similarities and differences and how important it is to be precise, reporting facts, not opinions, when reporting special incidents.

Say

For the last few minutes, let's talk about community advocacy resources.

There are a number of resources available in every community. These resources can provide information about disabilities to special services.

Do

Show overheads #27

Say

Here are a few common ones?

Are there others?

Ask

Look back at the scenarios for Mary, Charlene, Charles, and Michael and the advocacy issues that you wrote down.

Are there any of these advocacy resources that they could have benefitted from?

Your Presentation Notes

**Community
Advocacy Agencies**

- **ARCs**
- **Place of worship**
- **Protective Services**
- **Social Security**
- **Area Agency on Aging**
- **American Heart, Lung, Cancer Societies**
- **Others?**

Session #10, Overhead 27

Do

Show overhead #28

Say

Another aspect of advocacy is providing information to the people you support in a way that they can best understand it.

For example, provide interpreter services to individuals who are deaf/hearing impaired in order to insure they understand information being presented.

Or DSPs in residential settings should be trained in American Sign Language.

Do any of you know sign language?

An interpreter should be present during an individual's IPP and other important events such as medical appointments, instruction at a sheltered workshop or on the job training.

Picture boards, notebooks, synthesized voice machines and computers should be furnished for individuals who can not tell you what they want or need.

When individuals speak a language other than English make sure that a DSP who speaks that language is available.

Your Presentation Notes

Understandable Information

- **People who are deaf**
 - Interpreters, picture boards
- **Who don't use words**
 - Picture boards, talking computers
- **Non- English**
 - Staff who speak language
- **People who are blind**
 - Braille, talking books

Session #10, Overhead 28

When appropriate, have Braille printers available for blind/visually impaired individuals, and

Talking books for individuals who have low vision or are blind.

Understanding the information helps people make better choices and helps them advocate for themselves.

Let's review the homework assignment for next session and call it a day.

Homework Assignment

Say

At your next session, you will be talking about something fun - leisure and recreation. For your homework, you need to collect some information about your community, read two short articles, and answer several questions. It sounds like a lot, but it's really not too much work and you should enjoy it. Don't forget to look at the key words for the next session. If you need help, you can find the definitions in the **Key Word Dictionary** in Session #12 of your *Resource Guide*.

Any questions? See you next time.

Your Presentation Notes

Homework Assignment for Session #11: Your Community

This assignment is to help you start to build a resource for finding recreation and leisure opportunities in your community. Please fill out the form and bring the requested information to class. This may require a bit of research.

Name of local newspaper(s): _____

Identify the Section in the newspaper that lists what's happening each week:
(include the name of the section and day it's published; bring a sample, if possible)

Name two or three restaurants within walking distance of where you work or live.

Name two to three places within a mile of where you live or work where people gather: (examples include coffee shops, parks, bowling alleys, stores, etc.)

Find and bring to class examples of publications that tell people about interesting classes in your community. (Examples are bulletins from Parks and Recreation or Adult Education, The Learning Annex)

Find out if there is any Special Olympics organization in your community. Record the name and phone number for the contact person.

Contact the Chamber of Commerce and ask if there is any information they have about clubs in your community. Bring anything the Chamber may have given you.

Find out about the YMCA and/or YWCA in your community. Write down the cost of joining and monthly dues. Ask if there is any special rate for low income individuals or people with disabilities.

Get a copy of the bus schedule for the area around where you live or work.

Bring any additional information that you can find about recreation and leisure opportunities in your community.

Homework Assignment for Session #11: Modifications

Please read this information on modifications before the next class session.

The following are ways to make modifications or accommodations so that people with disabilities are more easily able to participate in recreation activities:

- **Rule changes should be available for all participants, if needed**
Examples: Lengthening the three-second lane rule in basketball
Using different ways to bat (whiffle bat, tennis racquet)
- **Make everybody feel welcome**
State rules in the positive (e.g. Instead of saying “no dogs” say “only service dogs permitted”)
- **Ask young people their age (for grouping) instead of grade**
- **Ask about special accommodations on an application form**
- **Assistive devices! Be creative!!**
Use everyday items such as alarm clocks, velcro, rope, tape

Use specialty items such as a nonskid mat

Help a person to use his/her own device, such as a language board
- **Physical environment-think!**
Consider the obvious: stairs, doorways

The not-so-obvious: acoustics, wind conditions, bright lights, unusual odors
- **People power**
Grouping

“Buddies”

Volunteer assistants
- **Time/place**

Accessible buildings/floors

Meeting times to accommodate school/work/bus schedules

Adapted from Developing Inclusive Recreation, Institute for Community Inclusion, Children's Hospital, Boston, MA.

Homework Assignment for Session #11: Success Stories

Please read the following brief stories and answer the questions.

Project Rec Success Stories

Taken from "The Institute Brief," May, 1991

Beth, who lives with three other roommates in a staffed apartment, is 43 years old and has multiple disabilities. She has always loved swimming and uses the separate program at the local Arc for participation in this activity. Recently, the staff at a nearby YMCA received training and reassurance from a DSP that their program could include people with Beth's abilities. Although she is not yet a full member at the Y, Beth now goes to their adult swim one time a week.

In this story, what would be the "special service" that Beth received?

What regular service was Beth able to use because of training by a DSP?

Mickey is nine years old and also has multiple disabilities. In school, he attends a resource room and receives physical therapy services, but goes to physical education with other children in the school. Although physically integrated into P.E., Mickey did not participate with the other children. His partner in group activities was always the gym teacher. After meetings with the physical education department and the physical therapist, the DSP was able to help the teacher and the other kids how to include Mickey through modeling and verbal instruction. Mickey now participates fully.

What happened so that Mickey was able to participate fully in regular P.E.?

If You Want to Read More About Individual Rights, Laws and Regulations

Americans with Disabilities Act, A Comprehensive Overview

California Department of Rehabilitation (1994)

A good resource guide with understandable information about the Act and its implications for people with disabilities.

Keeping the Promise of the Lanterman Act: Report 1

by the Assembly Office of Research (1984); California State Assembly

The Assembly Office of Research completed a study of the impact of the Lanterman Act fifteen years after it was signed into law. This two report series chronicles their findings.

Lanterman Developmental Disabilities Services Act

Distributed by the Organization of Area Boards (1998)

The full text of Division 4.5 of the Health and Welfare Statutes, including all amendments to the Act through 1997. This document is available at all local Area Boards. You may also find the complete text at the Department of Developmental Services website at <<http://www.dds.cahwnet.gov/>>.

References for this Session

Title 17, California Code of Regulations, Part II, Chapter 3

Title 22, California Code of Regulations

Lanterman Developmental Disabilities Services Act

Tri-Counties Regional Center Web Site <tri-counties.org/tritour.html>

Protection and Advocacy Web Site <pai-ca.org>

Guardianship and Conservatorship: Helping Families Plan for the Future (Allen, Shea and Associates)

An Orientation for Regional Center Service Coordinators (Southern California Regional Center Directors Association, 1999)